

REMARKS

By the *Office Action* of January 29, 2007, Claims 3-5 are pending in the Application, with Claims 3-5 being rejected. Applicant respectfully asserts that Claims 3-5 are in condition for allowance and requests reconsideration of the claims in light of the following remarks.

1. Rejection of Claims 4-5 Under 35 U.S.C. § 112

Claims 4-5 stand rejected as failing to comply with the written description requirement under 35 U.S.C. § 112. The Examiner asserts that the claims contain subject matter that was not described in the *Specification* as filed. Applicant respectfully traverses this rejection.

The *Office Action* states that the “ledge surrounding the periphery of the toe is not supported by the specification as originally filed.” (*Office Action* at p. 2). Applicant respectfully submits that the *Specification* contains a full and clear description, in accordance with 35 U.S.C. § 112, of the ledge surrounding the periphery of the opening in the golf club head component. Specifically, the *Specification* describes the “recess 40 within the toe portion of the metalwood.” (*Specification* at ¶ [0025]). The recess 40 that is described in the *Specification* creates the “ledge disposed around a periphery of said opening” recited in Claim 4. As described, the “composite toe component 42” can be placed “within the recess.” (*Specification* at ¶ [0025]). The use of a recess in Applicant’s metalwood is further disclosed in the discussion of the first embodiment described in the *Specification*, in which a cover 11 is placed in an opening in the crown of the metalwood. (*Specification* at ¶ [0020]). As disclosed, the “recess 28 is defined within the crown portion, providing a seat for cover 11.” (*Specification* at ¶ [0020]). Similarly, those of skill in the art appreciate that recess 40 can be formed in the toe portion of the metalwood to provide a seat or ledge for the composite toe component 42.

Applicant's use of the term "ledge" in Claim 4 as opposed to "recess" does not violate 35 U.S.C. § 112, because the application need not describe the claimed subject matter in exactly the same terms as used in the claims. *In re Lukach*, 442 F.2d 967, 969, 169 U.S.P.Q. 795 (C.C.P.A. 1971). It must simply indicate to those of ordinary skill in the art that as of the filing date, the Applicant had invented what is now claimed. *Id.*, at 1563, 19 U.S.P.Q.2d at 1116; *see In re Wertheim*, 541 F.2d 257, 191 U.S.P.Q. 90 (C.C.P.A. 1976).

Applicant's *Specification* and Figures 5 – 7 clearly illustrate to those of skill in the art "a toe cover component coupled to said ledge covering said opening." Therefore, Applicant respectfully submits that Claims 4-5 are not in violation of 35 U.S.C. § 112 and are in condition for allowance.

2. Rejection of Claim 3 Under 35 U.S.C. § 102

Claim 3 is rejected as unpatentable under 35 U.S.C. § 102(b) as being anticipated by Wood (5,997,415). The *Office Action* states that Wood discloses a golf club head "comprising a face, a crown, a sole, a hosel, heel and an open toe."

Applicant respectfully submits that Wood does not provide "a toe portion" as recited in Applicant's Claim 3. The difference is illustrated by the description of Wood in the *Office Action*. The *Office Action* states that the golf club head of Wood has "an **open toe**." Applicant's claimed golf club head, however, is not an open toe, but rather a **toe with a opening formed within it**. The key difference between Applicant's claimed invention and Wood is that the toe cover 320 in Wood is just one of the many pieces, along with the heel cover 319, sole plate 314, and bottom 304, that are assimilated to create the Wood golf club head. Wood (Col. 4., ll. 55-56). Applicant's claimed invention recited in Claim 3, however, provides a primary body with a "toe portion having a opening formed therein." It is the formation of this opening in the toe

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portion of the primary body that enables one of the significant benefits of Applicant's claimed invention. Specifically, the positioning of the toe cover in the opening in the toe portion permits, among other things, a more preferable placement of the center of gravity in accordance with one embodiment of the present invention. As Wood contains no such disclosure, Applicant respectfully submits that that Claim 3 is in condition for allowance, and all claims depending on Claim 3, Claims 4-5, are also allowable.

3. Fees

Applicant files this *Response to Office Action* within three (3) months of the January 29, 2007 *Office Action* and with no additional claims. Accordingly, Applicant believes that no extension or claims fees are due. The Commissioner is authorized, however, to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 20-1507.

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CONCLUSION

By the present *Response to Office Action*, the Application has been in placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.3695

Respectfully submitted,

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